

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 3:99-cv-00547-MMD-WGC

Plaintiff,

ORDER

v.

(Motion to Appear as Amicus  
– dkt. no. 542)

JOHN C. CARPENTER, GRANT  
GERBER, and COUNTY OF ELKO,

Defendants,

THE WILDERNESS SOCIETY and  
GREAT OLD BROADS FOR  
WILDERNESS,

Intervenors and Cross-Claimants.

Before the Court is the State of Nevada's Motion to Appear as Amicus ("Motion") (dkt. no. 542). The State seeks to appear in this matter to explain questions of Nevada law involving roads on public lands. (*Id.* at 2-3.) The State also argues that, by appearing amicus, it can help explain how this litigation might affect other cases involving roads on public lands in Nevada. (*Id.* at 3-4.) The Motion is unopposed.


District courts have "broad discretion to appoint amici curiae." *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995). Courts normally allow amicus briefs "when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Cnty. Ass'n for Restoration of Env't v. DeRuyter Bros.*

1 *Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999) (citing *Miller-Wohl Co., Inc. v. Mont.*  
2 *Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982)). Amici need not “be totally  
3 disinterested” in the litigation. *Funbus Sys., Inc. v. Cal. Pub. Utils. Comm’n*, 801 F.2d  
4 1120, 1125 (9th Cir. 1986).

5 The Court finds that the State, through its Attorney General, can provide a unique  
6 perspective on questions of Nevada law implicated by this lawsuit, as well as the  
7 possible effects this litigation may have on other cases involving roads on public lands in  
8 Nevada. Because the Court finds that the State’s perspective could help the Court in  
9 resolving this matter, the Court will grant the unopposed Motion.

10 It is ordered that the State of Nevada’s Motion to Appear as Amicus (dkt. no. 542)  
11 is granted.

12 DATED THIS 7<sup>th</sup> day of April 2015.

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15 MIRANDA M. DU  
16 UNITED STATES DISTRICT JUDGE  
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